

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JOHN C. RUSSELL,  
Plaintiff-Appellant,

v.

No. 96-1822

SHIRLEY S. CHATER, COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant-Appellee.

Appeal from the United States District Court  
for the Western District of Virginia, at Abingdon.  
James C. Turk, District Judge.  
(CA-92-95-A)

Submitted: April 8, 1997

Decided: April 25, 1997

Before MURNAGHAN and HAMILTON, Circuit Judges,  
and PHILLIPS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Ginger J. Largen, J. D. Morefield, MOREFIELD, KENDRICK,  
HESS & LARGEN, Abingdon, Virginia, for Appellant. James A.  
Winn, Acting Chief Counsel, Region III, Masayo Howell, Assistant  
Regional Counsel, Office of General Counsel, SOCIAL SECURITY  
ADMINISTRATION, Philadelphia, Pennsylvania; Robert P. Crouch,  
Jr., United States Attorney, Julie C. Dudley, Assistant United  
States  
Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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## OPINION

PER CURIAM:

John C. Russell filed a claim with the Social Security Administration in March 1991 for Supplemental Security Income, alleging disability commencing September 11, 1990, due to neck and back pain and problems with his left arm. After denial and reconsideration, Russell requested a hearing before an Administrative Law Judge (ALJ). The ALJ decided that Russell was not disabled under the Social Security Act. The Appeals Council denied Russell's request for review. The ALJ's decision then became the Commissioner's final decision. Russell filed an action seeking review of the final decision in district court. The district court remanded Russell's claim for further development and review and utilization of a vocational expert. An ALJ held a supplemental hearing at which a vocational expert appeared and testified. The ALJ found that for the benefits period in question, Russell had the residual functional capacity to perform light work with certain non-exertional restrictions. The Appeals Council denied Russell's subsequent request for review, and the ALJ's decision became the final decision of the Commissioner.

Russell filed a complaint in the district court challenging the final decision of the Commissioner after remand from the district court. The parties each filed motions for summary judgment. A magistrate judge recommended granting the Commissioner's motion for summary judgment and denying Russell's summary judgment motion. The district court agreed with the recommendation and entered the order. This appeal followed.

We review the Commissioner's final decision to determine whether it is supported by substantial evidence and whether the correct law was applied. See 42 U.S.C. § 405(g) (1994); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Russell claims that substantial evidence does not support the ALJ's finding that Russell could perform

light work with some restrictions. However, the ALJ gave specific reasons for his determination and we will not disturb it. See Hammond v. Heckler, 765 F.2d 424, 426 (4th Cir. 1985). The ALJ made a thorough evaluation of the evidence, and we conclude that the Commissioner's decision is supported by substantial evidence and was based on the correct legal standards. The ALJ properly evaluated Russell's complaints of pain. See Hyatt v. Sullivan, 899 F.2d 329, 337 (4th Cir. 1990). The ALJ also properly applied the treating physician rule when evaluating Russell's mental impairments in accordance with 20 C.F.R. § 404.1527(d)(2) (1995).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED